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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/773,072 01/31/01 BIESS

L CSX.0217

EXAMINER

QM01/1025

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ALI.H

ART UNIT

PAPER NUMBER

3747

DATE MAILED:

10/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

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Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/773,072	Applicant(s) BIESS, LAWRENCE J.	
	Examiner HYDER ALI	Art Unit 3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 12-14, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayfield, Jr. et al (United States Patent Number 4,424,775) in view of Fujikawa et al (United States Patent Number 4,935,689). Mayfield, Jr. et al teaches an auxiliary power system for operation in cooperation with a primary engine, comprising a secondary engine (24), and control means (20) which shuts down such primary engine (10) and starts such secondary engine (24) following a predetermined time period of idling of such primary engine (10). Control means (20) starts such secondary engine (24) in response to a predetermined ambient temperature if such primary engine (10) is not operating, control means isolates the battery (26) from all dc loads upon operation of such secondary engine (24), and continuously charges the battery (26) during operation of such secondary engine (24), an electrical power producing means (36) driven by such secondary engine (24). Electrical power producing means (36) comprises a 240vac, 60Hz, single-phase electrical generator (36). Electrical generator (36) produces at least 17 kva of power. Primary engine (10) coolant pumping means (50), and heat exchanging means (14), an engine coolant heating means (40), coolant temperature sensing means (18), and in which such control means maintains primary

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engine (10) coolant temperature within a predetermined temperature range. Primary engine (10) lube-oil pumping means (56), lube-oil heating means electrical heater (40), primary lube-oil temperature sensing means (not shown), and in which such control means maintains primary engine (10) lube-oil temperature within a predetermined temperature range. Fujikawa et al teaches secondary engine (E2) coupled to an electrical generator (G2) and battery (B1) to start the primary engine (E1). It would have been obvious to a person having ordinary skill in this art to combine battery and generator as taught by Fujikawa et al with engine generator system as taught by Mayfield, Jr. et al so that secondary engine coupled to an electrical generator and primary engine having a battery. Motivation for combining this is for cold weather starting of an engine.

Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayfield, Jr. et al (United States Patent Number 4,424,775) in view of Fujikawa et al (United States Patent Number 4,935,689) as applied to claims 1-10, 12-14, and 18-20 above, and further in view of Stein (United States Patent Number 4,249,491). Mayfield, Jr. et al and Fujikawa et al have been described above. Stein teaches electrical heater (20). It would have been obvious to a person having ordinary skill in this art to combine electrical heater with Mayfield, Jr. et al and Fujikawa et al to replace heater by electrical heater. Motivation for combining this is for cold weather starting of an engine.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayfield, Jr. et al (United States Patent Number 4,424,775) in view of Fujikawa et al (United States Patent Number 4,935,689) as applied to claims 1-10, 12-14, and 18-20

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above, and further in view of Rusconi (United States Patent Number 4,711,204). Mayfield, Jr. et al and Fujikawa et al have been described above. Rusconi teaches a drain valve (26) for draining the cooling system at drain (27). It would have been obvious to a person having ordinary skill in this art to combine drain valve with Mayfield, Jr. et al and Fujikawa et al to provide engine with drain valve for draining the cooling system. Motivation for combining this is for cold weather starting of an engine.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (703) 308-3949. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY YUEN can be reached on (703) 308-1946. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 746-4538 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

Ali
October 18, 2001


Henry Yuen
Supervisory Patent Examiner
Group 3700